

REMARKS

Claims 77-86 were examined in the Office Action under reply. Claims 83-85 were objected to as being duplicates of claims 80-82, respectively, and claim 86 was objected to for being dependent on claim 84. Additionally, claims 77-85 were rejected under the judicially created doctrine of obviousness-type double patenting over claims 1, 2 and 22-24 of U.S. Patent No. 5,534,254 in view of International Publication No. WO 88/09344 to Huston et al. ("Huston"). Applicants note with appreciation the withdrawal of the previous obviousness-type double patenting rejection over U.S. Patent No. 6,054,561.

Claim 83 has been amended to depend from claim 78 rather than claim 77, obviating the objection to claims 83-86. Moreover, independent claim 77 has been amended to recite a monomeric sFv molecule that consists essentially of the two polypeptide domains recited in clauses (a) and (b). Dependent claims 78-86 have been amended to track the language of independent claim 77. Support for the amendments can be found throughout the specification at e.g., page 6, second paragraph.

Amendment of the claims is made without prejudice, without intent to abandon any originally claimed subject matter, and without intent to acquiesce in any rejection of record. Applicants expressly reserve the right to file one or more continuing applications hereof containing the canceled or unamended claims.

Applicants believe the above amendments overcome the obviousness-type double patenting rejection. In particular, all of the claims of the '254 patent relate to compositions comprising *dimeric* biosynthetic constructs. All of the pending claims, on the other hand, relate to *monomeric* sFv molecules. Applicants submit that monomeric constructs patentably distinguish from dimeric molecules. Accordingly, this basis for rejection has been overcome and withdrawal thereof is respectfully requested. Thus, all claims are now in condition for allowance.

CONCLUSION

Applicants respectfully submit that the claims define a patentable invention.
Accordingly, a Notice of Allowance is believed in order and is respectfully requested.

Please direct all further communications in this application to:

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